

COLIN M. RUBICH
Assistant U.S. Attorney
U.S. Attorney's Office
James F. Battin U.S. Courthouse
2601 Second Ave. North, Suite 3200
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6989
E-Mail: Colin.Rubich@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,	CR 18-102-BLG-SPW
Plaintiff,	
vs.	OFFER OF PROOF
JORGE LUIS MENDEZ-SANCHEZ,	
Defendant.	

The United States of America, represented by Assistant United States Attorney Colin M. Rubich, files its offer of proof in anticipation of the change of plea hearing set in this case on January 3, 2019.

THE CHARGE

The defendant, Jorge Luis Mendez-Sanchez, is charged by Indictment with conspiracy to possess with conspiracy to possess with intent to distribute and to distribute methamphetamine, in violation of 21 U.S.C. § 846 (Count I) and possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) (Count II).

PLEA AGREEMENT

There is a plea agreement in this case. Mendez-Sanchez will plead guilty to Count II, possession with intent to distribute methamphetamine. At the time of sentencing, the United States will move to dismiss Count I of the Indictment if the Court accepts the plea agreement. The plea agreement filed with the Court is the only and most favorable offer extended to the defendant. See *Missouri v. Frye*, 566 U.S. 134 (2012).

ELEMENTS OF THE CHARGE

In order for Mendez-Sanchez to be found guilty of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), as charged in count II of the Indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed 500 grams or more of a substance containing a detectable amount of methamphetamine; and

Second, the defendant knowingly possessed the methamphetamine with the intent to distribute it.

PENALTY

Count II of the Indictment carries a mandatory minimum 10 years to life imprisonment, a \$10,000,000 fine, at least five years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

In June and July of 2018, an EMHIDTA confidential informant was communicating with a source of supply of methamphetamine named Oscar. On July 10, 2018, Oscar told the CI that his cousin was flying to Billings from Salt Lake City that day to facilitate the sale of 35 pounds of methamphetamine from Oscar's associates, later identified as co-defendant Aldo Pardini and the defendant Jorge Mendez-Sanchez. Agents identified co-defendant Jose Jesus Islava-Lopez as Oscar's potential cousin and followed Islava-Lopez from the Billings Logan International Airport to the Quality Inn Hotel in Billings. Islava-Lopez checked into a room at the Quality Inn and met with Pardini in the parking lot.

Pardini and the defendant had transported the methamphetamine for the proposed sale together from Arizona in Pardini's car. Both Islava-Lopez and Pardini went up to the second floor just as the CI received messages from Oscar saying that his cousin had arrived in Billings and gotten a room at the Quality Inn. Islava-Lopez was staying in one room and Pardini and Mendez-Sanchez were staying in a separate room together. The police detained Islava-Lopez in the lobby of the hotel room. Pardini and the defendant were located in their shared room and detained. Officers then secured both hotel rooms. Islava-Lopez told agents that Oscar directed him to fly to Billings for a job and rent a room at the Quality Inn. He was told to meet somebody in a black Nissan in the parking lot. Islava-Lopez admitted to meeting Pardini in the vehicle before going up to Pardini and the defendant's room where Pardini gave him a suitcase. Islava-Lopez took the suitcase back to his room. Agents received search warrants for both rooms and Pardini's vehicle. They found approximately 34 pounds of methamphetamine in Islava-Lopez's room.

DATED this 2nd day of January, 2019.

KURT G. ALME
United States Attorney

/s/ Colin M. Rubich
COLIN M. RUBICH
Assistant U.S. Attorney